# MAY 1 2 2005 & CONTROL OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 10/666,453 Confirmation No. 8365 In re: September 17, 2003 Filed: CERTIFICATE OF MAILING Applicants: Alan Dane SMITH et al. I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United Title: METHOD AND APPARATUS States Postal Service with sufficient postage as FOR DETERMINING A first class mail in an envelope addressed to the POSITION OF A MOVABLE Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date. BARRIER 2878 Art Unit: 5/10/2005 Date Examiner: Stephone B. ALLEN Registration No. 25,747 Attorney for Applicant(s) Attorney Docket: 5569/79402 Customer No.: 22242

Mail Stop AMENDMENT Commissioner for Patents P. O. Box 1450 Alexandria, Virginia 22313-1450

# TERMINAL DISCLAIMER

Sir:

The Chamberlain Group, Inc., a corporation organized and existing under the laws of the State of Connecticut, having its principal place of business at 845 Larch Avenue, Elmhurst, Illinois, 60126, represents through its attorneys that it is the owner by assignment of the entire right, title and interest in and to the above-identified United States Patent Application Number 10/666,453. The above-identified Application Number 10/666,453 is a continuation of Application Number 10/137,580, filed May 2, 2003, which is a continuation of Application

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Application No. 10/666,453 Terminal Disclaimer dated May 10, 2005 Reply to Office Action of February 10, 2005

Number 09/777,944, filed February 6, 2001, now U.S. Patent No. 6,376,832. The Chamberlain Group, Inc., through its attorneys, represents that it is the assignee of the entire right, title and interest in U.S. Patent No. 6,376,832 by reason of an Assignment recorded in the United States Patent and Trademark Office on August 30, 2001 at Reel 012135, Frame 0070. A copy of said Notice of Recordation and Assignment are attached hereto.

The Chamberlain Group, Inc. also represents that it is the owner by assignment of the entire right, title and interest in and to U.S. Patent No. 6,878,927, in the name of Alan Dane Smith et al. U.S. Patent No. 6,878,927 is also a continuation of Application Number 10/137,580, filed May 2, 2003, which is a continuation of Application Number 09/777,944, filed February 6, 2001, now U.S. Patent No. 6,376,832.

The Chamberlain Group, Inc. hereby disclaims, except as provided below, the terminal part of any patent granted on Application Number 10/666,453 which would extend beyond the expiration date of the full statutory term, as defined by 35 U.S.C. §§ 154 to 156 and 173, of U.S. Patent No. 6,878,927. The Chamberlain Group, Inc. hereby agrees that any patent so granted on Application Number 10/666,453 shall be enforceable only for and during such periods it and U.S. Patent No. 6,878,927 are commonly owned. This agreement is to run with any patent granted on Application Number 10/666,453, and is binding upon the grantee, successors, or assigns.

In making the above disclaimer, The Chamberlain Group, Inc. does not disclaim the terminal part of any patent granted on Application Number 10/666,453 that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,878,927 in the event that U.S. Patent No. 6,878,927 expires for failure to pay a maintenance fee, is held

Application No. 10/666,453 Terminal Disclaimer dated May 10, 2005 Reply to Office Action of February 10, 2005

unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term.

The Commissioner is hereby authorized to charge Deposit Account No. 06-1135 in the amount of \$130.00 to cover the fee set forth in 37 C.F.R. § 1.20(d).

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication or credit any overpayment to Deposit Account No. 06-1135.

The undersigned is the attorney of record for this matter.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By

Kenneth H. Samples Registration No. 25,747

Kimets Hg L

May 10, 2005

120 South LaSalle Street, Suite 1600 Chicago, Illinois 60603-3406 Telephone (312) 577-7000 Facsimile (312) 577-7007



NOVEMBER 07, 2001

**PTAS** 

FITCH, EVEN, TABIN & FLANNERY KENNETH H. SAMPLES 120 S. LASALLE STREET, SUITE 1600 CHICAGO, IL 60603-3406



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UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/30/2001

REEL/FRAME: 012135/0070

NUMBER OF PAGES: 13

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SMITH, ALAN DANE

DOC DATE: 08/04/2001

ASSIGNOR:

VALENTE, CHRIS M.

DOC DATE: 07/26/2001

ASSIGNOR:

RATHGEBER, MARTIN

DOC DATE: 07/31/2001

ASSIGNOR:

SIEGLER, MARK D.

DOC DATE: 08/03/2001

ASSIGNOR:

FITZGIBBON, JAMES J.

DOC DATE: 07/26/2001

ASSIGNEE:

THE CHAMBERLAIN GROUP, INC. 845 LARCH AVENUE ELMHURST, ILLINOIS 60126

012135/0070 PAGE 2

SERIAL NUMBER: 09777944

PATENT NUMBER:

FILING DATE: 02/06/2001

ISSUE DATE:

SHARON BROOKS, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

## ASSIGNMENT

We, ALAN DANE SMITH, residing at 1665 W. De Carinosa, Sahuarita, in the County of Pima, State of Arizona; CHRIS M. VALENTE, residing at 435 Joyce Avenue, Lombard, in the County of DuPage, State of Illinois; MARTIN RATHGEBER, residing at 2212 N. Rockwell, Chicago, in the County of Cook, State of Illinois; and MARK D. SIEGLER, residing at 2362 Adamsway Drive, Aurora, in the County of DuPage, and JAMES J. FITZGIBBON, residing at 1521 Hadley Drive, Batavia, in the County of Kane, State of Illinois, for good and valuable consideration, receipt of which are hereby acknowledged, have assigned and do hereby assign to THE CHAMBERLAIN GROUP, INC., a Connecticut corporation having its principal place of business at 845 Larch Avenue, Elmhurst, Illinois, its successors, assigns and legal representatives, the entire right, title and interest in and to all subject matter invented by us and disclosed in the application for Letters Patent of the United States entitled

## METHOD AND APPARATUS FOR DETERMINING A POSITION OF A MOVABLE BARRIER U.S. Serial No. 09/777,944

filed February 6, 2001, and in and to all Letters Patent and all Convention and Treaty rights of all kinds, in all countries throughout the world, for all such subject matter. We agree to sign all documents necessary to secure all said Letters Patent and rights, and request issuance of all said Letters Patent to the above assignee in accordance with this Assignment.

Date:	08/04/01 , 2001	Month houth
		Alan Dane Smith
Date:	$\frac{1}{2}$ , 2001	- Colone
		Chris M. Valente
Date:	/, 2001	Martin Rathgeber
		Marcin Rathgeber
Date:	, 2001	Mark D. Siegler
Date:	7/26, 2001	Jour J. Thyllon
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COUNTY OF P. ms ) S	s .
•	efore me in the County of MA
SMITH, personally known to me	, personally appeared ALAN DANE to be the person whose name is rument, and acknowledged that he
executed it.	·
Witness my hand and	official seal.
Date: 8-4-01, 2000	Marcene Kannet
	Notary Public
	My Commission Expires: OFFICIAL SEAL
	MARCENE D. AMIOT Notary Public - State of Artzona
STATE OF )	PIMA COUNTY My Comm. Expires June 10, 2003
COUNTY OF )	S
I hereby certify that, b	efore me in the County of Durage
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	me to be the person whose name is
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Witness my hand and Date: <u>7-26-01</u> , 2000	Notary Public  My Commission Expression SARAH J BARBER  MY GOLDMAN PUBLIC, STATE OF MARKESS  MY GOLDMAN SERVICE STATE STATE OF MARKESS  MY GOLDMAN SERVICE STATE STA
Witness my hand and Date: 7-26-01, 2000	Notary Public My Commission Explosion  OFFICIAL SEAL SARAH J BARBER  NOTARY PUBLIC, STATE OF MARKESS MY SCHAMBERON DEFERENCEDADOS
Witness my hand and Date: 7-26-01, 2000  STATE OF COUNTY OF  STATE OF	Notary Public  My Commission Explosion  OFFICIAL SEAL  SARAH J BARBER  MY GOLDMISSION DEFERMINESS  S
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COUNTY OF

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I hereby certify that, before me in the County of \_\_\_\_\_\_\_\_, personally appeared MARK D. SIEGLER, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

STATE OF ) SS

I hereby certify that, before me in the County of Miles in the State of Junes, personally appeared JAMES J. FITZGIBBON, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

Date: 7-26-01, 2001 Motary Public

My Commission Expires:

SARAH J BARBER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPRES:08/04/03

#### ASSIGNMENT

We, ALAN DANE SMITH, residing at 1665 W. De Carinosa. Sahuarita, in the County of Pima, State of Arizona; CHRIS M. VALENTE, residing at 435 Joyce Avenue, Lombard, in the County of DuPage, State of Illinois; MARTIN RATHGEBER, residing at 2212 N. Rockwell, Chicago, in the County of Cook, State of Illinois; and MARK D. SIEGLER, residing at 2362 Adamsway Drive, Aurora, in the County of DuPage, and JAMES J. FITZGIBBON, residing at 1521 Hadley Drive, Batavia, in the County of Kane, State of Illinois, for good and valuable consideration, receipt of which are hereby acknowledged, have assigned and do hereby assign to THE CHAMBERLAIN GROUP, INC., a Connecticut corporation having its principal place of business at 845 Larch Avenue, Elmhurst, Illinois, its successors, assigns and legal representatives, the entire right, title and interest in and to all subject matter invented by us and disclosed in the application for Letters Patent of the United States entitled

## METHOD AND APPARATUS FOR DETERMINING A POSITION OF A MOVABLE BARRIER U.S. Serial No. 09/777,944

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Date:	, 2001	
	/	Alan Dane Smith
Date:	$\frac{7/2!}{2!}$ , 2001	
		Chris M. Valente
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	• .	Martin Rathgeber
Date:	, 2001	
	,	Mark D. Siegler
Date:	7/26 , 2003	How I thought
		( James J. Fitzgibbon

COUNTY OF

COUNTY OF

I hereby certify that, before me in the County of \_\_\_\_\_\_\_, personally appeared ALAN DANE SMITH, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

Date:	•	2000	
			Notary Public My Commission Expires:
STATE	OF	)	22

I hereby certify that, before me in the County of Mutage in the State of Mutage, personally appeared CHRISTOPHER M. VALENTE, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

Date:	7-26-01	2000 Jarah O. Barber	
		Notary Bubdic	

My Commission Ex

OFFICIAL SEAL
SARAH J BARBER
MOTARY PUBLIC, STATE OF BARBORS
MY SOMMERSION BUTTERSONOROUS

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I hereby certify that, before me in the County of COK in the State of TLUINOIS, personally appeared MARTIN RATHGEBER, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

Date: 7/31/01 , 2000

Notary Public

My Commission Expires.

6/19/03



Witness my hand and official seal.

Date: <u>7-26-01</u> 2001

executed it.

Notary Public

My Commission Expi

OFFICIAL SEAL SARAH J BARBER NOTARY PUBLIC, STATE OF ILLE

MY COMMISSION EXPIRES: 08/0

#### ASSIGNMENT

We, ALAN DANE SMITH, residing at 1665 W. De Carinosa, Sahuarita, in the County of Pima, State of Arizona; CHRIS M. VALENTE, residing at 435 Joyce Avenue, Lombard, in the County of DuPage, State of Illinois; MARTIN RATHGEBER, residing at 2212 N. Rockwell, Chicago, in the County of Cook, State of Illinois; and MARK D. SIEGLER, residing at 2362 Adamsway Drive, Aurora, in the County of DuPage, and JAMES J. FITZGIBBON, residing at 1521 Hadley Drive, Batavia, in the County of Kane, State of Illinois, for good and valuable consideration, receipt of which are hereby acknowledged, have assigned and do hereby assign to THE CHAMBERLAIN GROUP, INC., a Connecticut corporation having its principal place of business at 845 Larch Avenue, Elmhurst, Illinois, its successors, assigns and legal representatives, the entire right, title and interest in and to all subject matter invented by us and disclosed in the application for Letters Patent of the United States entitled

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Date:	/	2001	
			Alan Dane Smith
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			Martin Rathgeber
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Date: 7-26-01 2001

Notary Public
My Commission Expires:

OFFICIAL SEAL
SARAH J BARBER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPRES:08/04/03

COUNTY OF

I hereby certify that, before me in the County of \_\_\_\_\_\_\_, personally appeared ALAN DANE SMITH, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed it.

Witness my hand and official seal.

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in the State of	hat, before me in the County of, personally appeared MARTIN RATHGEBER, to be the person whose name is subscribed to and acknowledged that he executed it.
Witness my ha	nd and official seal.
Date:,	2000

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